

REMARKS

Claims 14-24, 29-31, 33-42, 47-50, 52, 53, 55, and 56 are at issue, claims 25-28, 32 and 43-46 having been indicated allowable if rewritten in independent form.

Claims 35-36, 39-41 and 49 have been amended to replace the phrase “can be” with the phrase “are capable of being” or “is capable of being” to overcome the Examiner’s objection to those claims. Further, the dependency of claims 55 and 56 has been changed to claim 52 to overcome the Examiner’s objections to those claims.

Claims 47 and 48 have been amended so that they depend from claim 43 to overcome the rejection under 35 U.S.C. § 112 regarding insufficient antecedent basis. These claims are believed to be allowable under 35 U.S.C. § 112 as amended.

The rejection of claims 14-21, 24, 29-31, 33-42, 47, 49-50, 52-53 and 56 as anticipated by VanDenAvond under 35 U.S.C. § 102(e) is respectfully traversed. It is not believed that VanDenAvond et al. is prior art under 35 U.S.C. § 102(e). However, even if it were prior art, VanDenAvond et al. is missing several of the claim limitations as discussed below and as such cannot anticipate the claims.

Specifically, VanDenAvond et al. does not disclose receiving or storing one or more orders for labels, the orders identifying variable data to be printed on the labels and merging the variable printing data identified in the orders and a selected template as recited in claims 14-24, 29-31, 33-42 and 47-50. Instead of automatically merging the variable printing data received in one or more orders and a selected template, in VanDenAvond the user is required to manually enter data into the template. Further, as described at paragraph 0073, in VanDenAvond, although the plant operator can order a quantity of labels that he has viewed for verification, those labels are in a non-editable form so that there is no merging of “variable printing data” from one or more orders and a template

as required by the claims. Further, VanDenAvond does not disclose storing image data in association with one of a plurality of different types of label production machines or receiving a request to change the production machine for the labels as set forth in claim 14. All that is disclosed in paragraph 0043 of VanDenAvond is an administration module that allows a user to identify authorized printers and paragraphs 0025 and 0073 merely describe how a plant operator can select an available printer. That is not a disclosure of storing image data in association with a plurality of different types of label production machines or receiving a request via the internet to change the production machine for the labels as set forth in claim 14. Further, with regard to claims 15-21, 24, 29-31, 33-42, 47 and 49-50, VanDenAvond further does not disclose selecting a stored template in accordance with the type of labels to be produced and the type of machine to be used in the production of labels as set forth in these claims. Instead of automatically selecting a stored template in accordance with the type of labels to be produced and the type of machine to be used in the production of the labels, VanDenAvond requires the user to select a template. Because VanDenAvond does not disclose a number of the elements set forth in claims 14-21, 24, 29-31, 33-42, 47 and 49-50, these claims are believed to be allowable under 35 U.S.C. § 102(e) over VanDenAvond et al. Reconsideration and allowance is respectfully requested.

Further, VanDenAvond does not disclose the invention of claims 52-53 and 56 and thus cannot anticipate these claims under 35 U.S.C. § 102(e) either. In particular, VanDenAvond does not disclose at least one server for receiving orders for labels where the server is responsive to a user's input to process a plurality of orders together to form a printing job and automatically generates a production data file for the labels to be produced for the job. These features are not disclosed in either paragraphs 0063 or 0073-0074 of VanDenAvond et al cited by the Examiner. Because VanDenAvond does not disclose these limitations, VanDenAvond cannot anticipate claims

52-53 and 56 under 35 U.S.C. § 102(e). As such, reconsideration and allowance of these claims is respectfully requested.

The rejection of claims 22-23 and 55 as obvious under 35 U.S.C. § 103(a) as obvious over VanDenAvond et al. is respectfully traversed. VanDenAvond does not disclose a method or system of producing labels at a number of remote locations on a number of different types of production machines as specified in these claims wherein the different types of production machines include such diverse types of printers as the claimed thermal printer and lithographic printer. VanDenAvond et al. discloses at most the use of multiple printers but does not describe that these printers are different types of machines as claimed. Moreover, these claims are also believed to be allowable for the reasons discussed above with respect to claim 15 from which claims 22 and 23 depend and with respect to claim 52 from which claim 55 depends. Claims 22, 23 and 55 are thus believed to be allowable under 35 U.S.C. § 103. Reconsideration and allowance is respectfully requested.

Claims 14-50, 52-53 and 55-56 are believed to be allowable for the reasons discussed above. Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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